

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ROBERT PARTIN, :  
Plaintiff, :  
vs. : CIVIL ACTION 03-0305-M  
JO ANNE B. BARNHART, :  
Commissioner of  
Social Security, :  
Defendant. :  
  
JUDGMENT

On March 4, 2005, the United States Court of Appeals for the Eleventh Circuit remanded this action with instructions for "the ALJ on remand [to] consider Partin's claim that his pain qualified as an additional impairment for purposes of Listing 12.05C" (Doc. 25, pp. 13-14). This was done pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly, it is hereby **ORDERED**, **ADJUDGED** and **DECreed** that in accordance with the directive of the Eleventh Circuit, issued as mandate on April 26, 2005, the Judgment entered by this Court on May 21, 2004 (Doc. 20), is hereby **REVERSED** and this action is **REMANDED**, pursuant to sentence four of 42 U.S.C. § 405(g), to the Commissioner of Social Security for further administrative proceedings.

This Remand makes Plaintiff a prevailing party under the

Equal Access to Justice Act, 28 U.S.C. § 2412, *see Shalala v. Schaefer*, 509 U.S. 292 (1993), and terminates this Court's jurisdiction over this action.

DONE this 4<sup>th</sup> day of May, 2005.

S/BERT W. MILLING, JR.

UNITED STATES MAGISTRATE JUDGE